

## UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

**SENTENCING MINUTE SHEET**

CR No.	05-1849 JH			USA vs.	Montoya		
Date:	August 7, 2008			Name of Deft:	Lloyd Montoya		
Before the Honorable				Judith C. Herrera			
Time In/Out:	10:23 am - 10:36 a.m.(13 minutes)			Type of Proceeding:	Sentencing - Non Evidentiary		
Clerk:	I. Duran			Court Reporter:	P. Baca		
AUSA:	James Braun			Defendant's Counsel:	Roberto Albertorio		
Sentencing in:	Albuquerque, New Mexico			Interpreter:	None		
Probation Officer:	Anthony Galaz			Sworn?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Convicted on:	<input checked="" type="checkbox"/>	Plea	<input type="checkbox"/>	Verdict	As to:	<input checked="" type="checkbox"/>	Information <input type="checkbox"/> Indictment
If Plea:	<input checked="" type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	Adjudged/Found Guilty on Counts:		
Date of Plea/Verdict:	June 27, 2007			PSR:	<input checked="" type="checkbox"/>	Not Disputed	<input type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/>	Court Adopts PSR Findings			Evidentiary Hearing:	<input checked="" type="checkbox"/>	Not Needed <input type="checkbox"/> Needed
Exceptions to PSR:							
<b>SENTENCE IMPOSED</b>				Imprisonment (BOP): 60 months			
Supervised Release:	4 years			Probation:	<input checked="" type="checkbox"/>	500-Hour Drug Program	
<b>SPECIAL CONDITIONS OF SUPERVISION</b>							
<input type="checkbox"/>	No re-entry without legal authorization			<input type="checkbox"/>	Home confinement for _____ months _____ days		
<input type="checkbox"/>	Comply with ICE laws and regulations			<input type="checkbox"/>	Community service for _____ months _____ days		
<input type="checkbox"/>	ICE to begin removal immediately or during sentence			<input type="checkbox"/>	Reside halfway house _____ months _____ days		
<input checked="" type="checkbox"/>	Participate in substance abuse program/drug testing			<input type="checkbox"/>	Register as sex offender		
<input checked="" type="checkbox"/>	Participate in mental health program			<input type="checkbox"/>	Participate in sex offender treatment program		
<input checked="" type="checkbox"/>	No alcohol/liquor establishments			<input type="checkbox"/>	Possess no sexual material		
<input checked="" type="checkbox"/>	Submit to search of person/property			<input type="checkbox"/>	No computer with access to online services		
<input checked="" type="checkbox"/>	No contact with co-Deft(s)			<input type="checkbox"/>	No contact with children under 18 years		
<input type="checkbox"/>	No entering, or loitering near, victim's residence			<input type="checkbox"/>	No volunteering where children supervised		
<input type="checkbox"/>	Provide financial information			<input type="checkbox"/>	Restricted from occupation with access to children		
<input type="checkbox"/>	Grant limited waiver of confidentiality			<input type="checkbox"/>	No loitering within 100 feet of school yards		
<input checked="" type="checkbox"/>	OTHER: Standard & Mandatory Conditions: Participate DNA collection & No firearms						
Fine: \$	0			Restitution: \$			
SPA: \$	100 (\$100 as to each Count)			Payment Schedule:	<input checked="" type="checkbox"/>	Due Immediately	<input type="checkbox"/> Waived
OTHER:							
<input type="checkbox"/>	Advised of Right to Appeal	<input checked="" type="checkbox"/>	Waived Appeal Rights per Plea Agreement				
<input type="checkbox"/>	Held in Custody	<input checked="" type="checkbox"/>	Voluntary Surrender (3 months)				
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration:			FCI, Florence, CO			
<input type="checkbox"/>	Dismissed Counts:						

OTHER COMMENTS	Defense counsel addresses Ct. & notes deft's family present in the Courtroom. Defense has no objections to PSR. Ct. accepts deft's guilty plea & accepts plea agreement. Defense notes deft has began rehabilitation & asks for a minimum sentence & for the 500 hour drug program & placement at Florence, CO facility; as well as for voluntary surrender of 3 months. Deft addresses Ct. Govt. addresses Ct. & does not opposes low-end of sentence nor voluntary surrender. Ct. has reviewed the PSR, its findings & has considered the sentencing guidelines & 3553 & imposes sentence. Ct. grants voluntary surrender for 3 months.
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